IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:22-HC-2205-FL

VICTOR B. PERKINS,)	
Petitio	oner,)	
v.)	ORDER
RISK ASSESSMENT PANEL,	,)	
Respo	ndent.)	

Petitioner, a federal civil detainee proceeding pro se, commenced this action by filing petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Habeas petitions under § 2241 should be filed in the United States District Court where the petitioner is confined. See Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004); In re Jones, 226 F.3d 328, 332 (4th Cir. 2000). Petitioner is a civil detainee housed in the Federal Medical Center in Rochester, Minnesota, which is located in the District of Minnesota. Accordingly, this action was filed in the wrong venue.

Pursuant to 28 U.S.C. § 1631, the court has discretion to transfer a civil action if it is in the interests of justice or to dismiss it without prejudice. See United States v. Gripper, 224 F. App'x 219, 220 (4th Cir. 2007) (per curiam). The court finds that the interests of justice do not support transfer of the petition. In particular, petitioner's challenges to his ongoing civil commitment must be asserted in the commitment proceeding in the first instance. See Timms v. Johns, 627 F.3d 525, 530–31 (4th Cir. 2010).

Based on the foregoing, this action is DISMISSED without prejudice to petitioner filing this petition in the District of Minnesota. Petitioner's motion to proceed in forma pauperis (DE

2) is DENIED as moot. A certificate of appealability is DENIED and the clerk is DIRECTED to close this case.

SO ORDERED, this the 19th day of December, 2022.

LOUISE W. FLANACAN
United States District Judge